



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,739	07/07/2003	Thomas L. DeFazio	09945-056002 / CTR-1B	6096

26201 7590 01/15/2008  
FISH & RICHARDSON P.C.  
P.O BOX 1022  
Minneapolis, MN 55440-1022

EXAMINER
----------

YEAGLEY, DANIEL S

ART UNIT	PAPER NUMBER
----------	--------------

3611

MAIL DATE	DELIVERY MODE
-----------	---------------

01/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Interview Summary</b>	Application No. 10/614,739	Applicant(s) DEFAZIO ET AL.	
	Examiner Daniel Yeagley	Art Unit 3611	

All participants (applicant, applicant's representative, PTO personnel):

(1) Daniel Yeagley. (3) \_\_\_\_\_.

(2) Brett Krueger. (4) \_\_\_\_\_.

Date of Interview: 08 January 2008.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 32, 59, 63, 70, 74, 76, 77 and 82-94.

Identification of prior art discussed: Mankey '989, Van der Lely '203, Griffin et al '867, Iwamoto et al '407 and Carstens '642.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



**LESLEY D. MORRIS**  
**VISORY PATENT EXAMINER**  
**TECHNOLOGY CENTRAL 3600**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The attorney indicated that claims 82 - 94 would be canceled. The indicated allowable subject matter of dependent claim 73 would be incorporated into independent claims 63 and 74 to place them in condition for allowance. The attorney proposed to incorporate dependent claim 81 into independent claim 77 to place it in condition for allowance; in which the argument was that the limitation of a scalloped wheel having a concaved portion of the profile (indented profile) to engage the edge of the step reads over the rounded beaded surface of the Griffin scalloped wheel because the rounded profile of the Griffin scalloped wheel are convex profiles which would have the tendency to slip off the edge of the step, unlike the concave profile of the applicant scalloped wheel, which would have a better bite with the bullnosed edge of the step. The examiner tentatively agreed that this claim limitation appears to over-read the reference used to reject the claim and maybe allowable subject matter upon further review. The attorney further suggested amending independent claims 32, 70 and 76, with the claim limitations of dependent claim 59 and also possible further additional claim language to the preamble of the claims. The examiner explained that the claim limitations within the preamble usually do not hold much patentable weight when considering the claims, and the examiner felt that the proposed incorporation of the limitations of dependent claim 59 into the independent claims was not going to be adequate to read over the references cited because this claim limitation is felt to be obtained by the tail of Mankey; as well as some of the other references cited. The examiner suggested possibly further limiting the structure of the tail or the component structure of the actuation means of the tail structure, to attempt to overcome the rejections and the references cited, but could not agree to any particular claim language without reevaluating the references. The examiner cautioned that any amendment that adds additional claim language which is considered a new issue that would require further consideration and/or search would not be entered without filing a continuation.